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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,267	02/02/2006	Lotta Norinder	38474	1337
116 7590 11/28/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER				
MULLER, BRYAN R				
ART UNIT		PAPER NUMBER		
3723				
MAIL DATE		DELIVERY MODE		
11/28/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/544,267

**Applicant(s)**

NORINDER ET AL.

**Examiner**

Bryan R. Muller

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)  
Paper No(s)/Mail Date 8/1/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the embodiment having handles (plural; claimed in the alternative in claims 1, 3 and 5-8) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

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1. The abstract of the disclosure is objected to because the word "Handle" at the beginning of line 1 of the abstract should be replaced by the term "A handle" and the words "axil", in line 3 of the abstract, and "axle", in lines 4 and 5 of the abstract, should all be replaced by the word "axis". Correction is required. See MPEP § 608.01(b).

#### Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

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- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

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- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
  - (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.
2. The disclosure is objected to because of the following informalities:
- a. The specification does not include headings to each section, as discussed supra. It is assumed that the Section title "Background of the Invention" should be added between lines 1 and 3 on page 1 of the specification, "Summary of the Invention" should be added either between lines 2 and 4 or lines 14 and 16 on page 2 of the specification, "Brief Description of the Drawings" should be added between lines 32 and 35 on page 3 of the specification and "Detailed Description of the Invention" should be added between lines 7 and 9 on page 4 of the Specification.
  - b. The applicant regularly refers to a longitudinal "axle" for the blower tube and for the handle. However, neither the tube nor the handle comprise an actual "axle" in the longitudinal direction. Therefore, it is suggested that the applicant change all occurrences of the work "axle" to "axis".

- c. The phrase "areas are blowers" in line 8 on page 1 of the specification should be changed to "areas blowers are".
- d. The phrase "is used is it" in line 12 on page 1 of the specification should be changed to "is used, it is".
- e. The word "to" in line 28 on page 1 of the specification should be deleted.
- f. A comma (,) should be added between the words "bigger" and "the" in line 2 on page 3 of the specification.
- g. The word "tub" in lines 16 and 30 on page 3, line 6 on page 4 and line 14 of page 5 of the specification should be changed to "tube".
- h. The word "to" in line 19 on page 3 and line 12 on page 5 of the specification should be changed to "too".
- i. The phrase "screw 24 is released is the loop 22 released" in line 29 on page 4 of the specification should be changed to "screw 24 is loosened, the loop 22 is released".
- j. The phrase "screw 24 is released is the curved arm 21 allowed" in line 1 on page 5 of the specification should be changed to "screw 24 is loosened, the curved arm 21 is allowed".
- k. The word "a" should be added between the words "in" and "transverse" in line 8 on page 5 of the specification.

Appropriate correction is required.

***Claim Objections***

3. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitations of claim 2 only disclose structure of the blower tube, to which the handle being claimed is intended to be mounted. Therefore, the claims does not provide any further structure to the actual handle and the limitations set forth for the blower tube would not necessarily require any additional structure for the handle. Thus, the claim fails to further limit independent claim 1 to the **handle**, from which claim 2 depends.

4. Claims 1, 3, 5, 6 and 8 are objected to because of the following informalities: Independent claim 1 and dependent claims 3, 5, 6 and 8 all refer to a "handle or handles". However, some of the limitations recited in those claims or other claims that depend from any of claims 1, 3, 5, 6 or 8 are understood as only applying to a single handle, or would be unclear if applied to more than one handle. Thus, it is suggested that all occurrences of the phrase "or handles" be removed from the claims (lines 1, 3 and 6 of claim 1, line 2 of claim 3, lines 5-6 of claim 5, line 3 of claim 6, line 3 of claim 8) and any corresponding grammatical terms should be corrected to correspond with "a handle" (i.e. the word "are" in line 3 of claim 1 should be changed to "is"). Further, the phrase "or handles" should be removed from all of the claims because the drawings fail to show an embodiment having more than one handle. Appropriate correction is required.



5. Claims 1-11 are objected to because of the following informalities: the word "Handle" in line 1 of claim 1 should be replaced by the term "A handle" the word "Handle" in line 1 of claims 2-11 should all be replaced by the term "The handle". Appropriate correction is required.

6. Claims 1 and 11 are objected to because of the following informalities: as discussed supra, neither the handle nor the blower tube includes a "longitudinal axle". Therefore, the word "axle" in lines 5 and 10 of claim 1 and lines 4 and 5 of claim 12 should all be changed to "axis". Appropriate correction is required.

7. Claim 4 is objected to because of the following informalities: it is unclear in claim 4, which distance is being referred to. As best understood by the Examiner, it is assumed that the applicant is referring to the same distance as disclosed in claim 3. For purposes of clarity, it is suggested by the Examiner that the applicant add the limitation "from the outer side of the blower tube (13) to a surface (25) on the handle where the operators hand is placed during normal use of the tool" between the words "distance" and "is" in line 2 of claim 4. Appropriate correction is required.

8. Claim 7 is objected to because of the following informalities: although the limitation of a "handle bar comprising two handles" is not shown in the drawings, and should accordingly be deleted from the claims, the word "a" should be added between the words "or" and "handle" in line 3 of claim 7 if the limitation remains in the claim. Appropriate correction is required.

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9. Claim 11 is objected to because of the following informalities: the word "released" in line 3 of claim 11 should be changed to "loosened". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (5,083,340).

12. In reference to claim 1, Takahashi discloses a handle (13) for a blower (Col. 2, lines 6-7) which is inherently capable of being used for a blower that is carried on the back of an operator, said handle also being inherently capable of being placed on a stiff section (1; although not specifically disclosed as a stiff section, the tube disclosed by Takahashi appears to be a relatively stiff section that is not easily deformable) of a blower tube which is inherently capable of extending from the blower, characterized in that a longitudinal axis of the handle is places outside the circumference of the stiff section (1) of the blower tube (in the position shown in Fig. 1 of

Takahashi, the longitudinal axis of the handle appears to be almost parallel to the longitudinal axis of the blower tube and is clearly positioned outside the circumference of the blower tube) when seen in a plane perpendicular to the longitudinal axis of the stiff section (1) of the blower tube (as shown in Fig. 2), and that the projection of the longitudinal axis of the handle in said plane is parallel to a straight line extending through the geometrical center of the cross section of the stiff section (1) of the blower tube. A line passing through the geometric center of the cross section of the tube may pass through in any direction, only being defined by the single center point. Therefore, it is inherent that a straight line may exist that is parallel to the longitudinal axis of the handle and passes through the center point of the tube, no matter how the handle is positioned or oriented.

13. In reference to claim 2, Takahashi further discloses that the cross section of the tube is a circle. Although the cross section shown in Fig. 2 is not a complete circle, the protrusions (4) are only positioned at select parts of the tube. Therefore, the parts of the tube between the sections having protrusions (4) will clearly have a circular cross-section.

14. In reference to claims 3 and 4, although the specific dimensions of the handle and tube of Takahashi are not disclosed, the angle of the handle (13) is adjustable relative to the outer surface of the tube (1) of Takahashi. Therefore it would be inherent that the distance between the outer side of the blower tube and any surface of the handle that a user's hand may be placed during normal use may be adjusted to fall within 15 and 60 millimeters.

15. In reference to claim 5, when the handle is loosened (using screw member 17) and moved in the direction of the axis of the tube to a position between protrusions (4), the handle will inherently be capable of being moved around the circumference of the blower tube. Alternatively, it would further be inherent that the handle could be removed from the tube altogether, wherein the handle may clearly be moved around the circumference of the tube.

16. In reference to claim 6, Takahashi further discloses that the position of the handle may be adjusted in the axial direction along the tube.

17. In reference to claim 7, Takahashi further discloses that the tube is provided with one handle.

18. In reference to claim 8, Takahashi further discloses that the handle is placed on a curved arm (between grip portion 13 and connection portion 11), so that the handle is inherently capable of being positioned such that the position of the handle will be closer to an operator than the position where the curved arm is secured to the blower tube. When the handle is tilted to a position wherein the longitudinal axis of the handle is substantially perpendicular to the longitudinal axis of the blower tube, the handle will clearly be closer to an operator than the position where the curved arm is attached to the tube (approximately at screw member 17).

19. In reference to claim 9, Takahashi further discloses that the curved arm is secured to the blower tube by a loop (3) surrounding the blower tube.

20. In reference to claim 10, Takahashi further discloses that the loop is secured to the blower tube by a screw (17) activated by a wheel (18).

21. In reference to claim 11, Takahashi further discloses that the curved arm and the handle is turnable when the screw (17) is loosened so that the angle between the longitudinal axis of the handle in relation to the longitudinal axis of the blower tube is changed.

22. Claims 1, 2 and 7-9 rejected under 35 U.S.C. 102(e) as being anticipated by Malmqvist et al. (D481,497).

23. The Malmqvist reference clearly anticipates all of the limitations set forth in claims 1, 2 and 7-9.

24. The applied reference has a common Inventor (Anders Jakobsson) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schmierer (3,586,238) and Wagner et al. (5,813,088) both disclose blowers having handle with similar structure and function as the applicant's claimed invention and Kumpf (EP 1 400 317 A1) discloses a handle having similar

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structure as the applicant's claimed invention, which would be capable of use on a blower tube.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R. Muller whose telephone number is (571) 272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bryan R Muller/  
Examiner, Art Unit 3723  
11/25/2007